

Arnold & Porter

Joseph Farris
+1 415.471.3454 Direct
Joseph.Farris@arnoldporter.com

October 20, 2022

VIA ECF

Hon. Patti B. Saris
United States District Court Judge
John Joseph Moakley U.S. Courthouse
One Courthouse Way, Suite 2300
Boston, MA 02210

Re: *Cynosure, LLC et al. v. Reveal Lasers LLC, et al.*
No. 22-CV-11176-PBS

Dear Judge Saris:

We write to follow up on several matters raised at the preliminary injunction hearing on October 7, 2022.

1. Request for Preliminary Relief Regarding Additional Defendants

As an initial matter, we note that this evening Plaintiffs filed a motion for a Temporary Restraining Order and Preliminary Injunction against the additional Defendants added in the First Amended Complaint ("FAC Defendants") (Dkt. 143). We recognize that the Court has indicated that it will not address any preliminary injunction motion as to the FAC Defendants until it issues rulings with respect to the original Defendants. In the interim, however, Plaintiff respectfully request that the Court issue a TRO as to the FAC Defendants. Additionally, in the Declaration of Lowinn Kibbey submitted concurrently with the new motion, Plaintiffs provide additional evidence cited below in this letter relevant to the original Defendants as well.

2. Cynosure's proposed compromise regarding the definition of "customer" for purposes of the customer non-solicitation restriction in the preliminary injunction.

During both the hearings of September 22 and October 7, the Court and the parties discussed how the term "customer" should be defined for purposes of the customer non-solicitation portion of the preliminary injunction. In the TRO (Dkt. 5), Judge Saylor

Arnold & Porter Kaye Scholer LLP

Three Embarcadero Center, 10th Floor | San Francisco, CA 94111-4024 | www.arnoldporter.com

10/21/22
The Court strikes two letter brief with the exception of the notice of supplemental authority. (PS) no response should be filed. A 11' briefing must be accompanied by a motion to file supplemental brief, you are slowing down my ability to resolve this matter by exceeding briefing. Patti B Saris